

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
June 21, 2005

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:03 p.m., Tuesday, June 21, 2005, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Greg Davy, York County Public Information Officer, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America.

**HIGHWAY MATTERS**

Mr. Jim Brewer, Resident Engineer, Virginia Department of Transportation (VDOT), appeared to update the Board on highway matters and answer any of the Board's questions. He stated the ongoing slope restoration projects on Routes 17 and 199 were moving along, and the concrete pavement on Interstate 64 was underway with a noticeable reduction of potholes. He reported the underground piping for Bay Tree Beach Road would begin soon with completion scheduled for August, 2005. He stated the plant mix schedule is approximately ten percent complete, and Cary's Chapel Road is approximately 37 percent complete. He explained that the Fort Eustis Boulevard extension would begin September 2005 with completion scheduled for December 2006. He reported the stoplight at Mooretown Road is scheduled to be up and running by August 15, 2005. He mentioned mowing on the area roadways and stated the rise in the concrete slab near George Washington Center would be worked on Wednesday evening. He mentioned that they are working with County staff on the Wal-Mart entrance.

Mrs. Noll thanked him for meeting with her and residents of the Coventry area and for providing the traffic study. She asked that the speed sign indicators be installed.

Mr. Bowman mentioned the mowing in the Lackey, Seaford and Dandy areas, and stated the grass was up to three feet high along the sides of the road. He was concerned that deer were concealed by the tall grass and asked Mr. Brewer to have the grass cut.

Mr. Shepperd stated his appreciation for pothole repairs and addressed the tremendous backup problems that occur on Route 17 near Heritage Square due to stoplight sequencing. He asked him to look into adjusting those lights.

Chairman Burgett recalled that VDOT had received approximated \$800,000 for a computer program which would help the traffic flow on Route 17. He mentioned the paving on Yorktown Road and a pothole that occurred as a result of a water main break. He mentioned Vine Street had not been paved in thirty-six years and asked VDOT to do that.

**PRESENTATIONS**

**YORK COUNTY BOARDS AND COMMISSIONS**

Chairman Burgett introduced and welcomed the following newly appointed members to Boards and Commissions and presented each with a Boards and Commissions Handbook and York

June 21, 2005

County pin:

Barbara Burge  
Christopher Abel  
Joanne Smith  
Josh Lyons  
Margaret Rowe  
Ida Cross  
Myrtle Smith

Colonial Services Board  
Planning Commission  
Beautification Committee  
Senior Center Board  
Senior Center Board  
Senior Center Board  
Senior Center Board

#### EMPLOYEE RECOGNITION PROGRAM

Chairman Burgett congratulated the following employees for attaining many years of service with the County and then presented them each with a service pin and certificate:

Ronald Wallace, 30 years	Community Services
Roland Dennis, 25 years	Community Services
Harold M. Willaford, 20 years	Sheriff's Office

#### DEPARTMENT OF FIRE AND LIFE SAFETY RECOGNITION

Chairman Burgett recognized and commended the Department of Fire and Life Safety, specifically Donna Galganski-Pabst, for assisting with emergency preparedness training for the York-Poquoson Sheriff's Department and for securing approximately \$10,000 in grant awards.

#### YORK COUNTY HISTORICAL MUSEUM

Ms. Bonnie Karwac, President of the York County Historical Museum Board of Directors, presented history on the museum along with detailed information on its artifacts, volunteers, important dates and number of visitors. She informed the Board of the museum's Mission Statement: To advance the knowledge and understanding of the history of York County and the town of York through the preservation and presentation of historical artifacts in a museum. She then recognized the Board of Supervisors, County staff, and museum volunteers who offer support, time, artifacts, money and personal stories.

#### MERRIMAC CENTER

Ms. JoAnne Smith, Executive Director, gave some background on the center and its inception, and elaborated on the secure detention services provided to children ages seven through seventeen. She reported the children are placed in the facility by courts and their facility houses males and females. She elaborated on some of the reasons children are sent to the center and described the learning environment provided, explaining it was not just a punishment-type center. She reported that York County had eighty-one admissions, with seventeen of those being repeat offenders.

#### PUBLIC HEARINGS

##### PARKING PROHIBITION AND RESTRICTIONS

Mr. Noel gave a presentation on proposed Ordinance No. 05-18 to amend the York County Code to include additional street segments in the Village of Yorktown on the list of streets where parking is prohibited, and to add Victory Industrial Park to the list of specific areas where parking of certain commercial, recreational, and passenger carrying vehicles on public streets is prohibited.

Chairman Burgett called to order a public hearing on proposed Ordinance No. 05-18 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 15-48, PARKING PROHIBITED OR RESTRICTED IN SPECIFIC PLACES, OF THE YORK COUNTY CODE, TO ADD VICTORY INDUSTRIAL PARK TO THE LIST OF SPECIFIC AREAS WHERE THE PARKING OF COMMERCIAL, RECREATIONAL AND PASSENGER-CARRYING VEHICLES ON PUBLIC STREETS IS PROHIBITED, AND TO ESTABLISH NO PARKING RESTRICTIONS ON ADDITIONAL STREET SEGMENTS IN YORKTOWN

Mr. Gary Tarpley, president of Victory Industrial Park, explained that the businesses had been asked to park on one side of the road, and this practice had been working until recently. He stated there are now large trucks, including tractor-trailers, parking on both sides of the road. He noted the trucks were not from York County businesses, and the police and zoning officials had been involved.

Chairman Burgett pointed out that businesses in the area park their vehicles on the street, and they will not be able to do so once the ordinance is passed.

There being no one else present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance No. 05-18 that reads:

AN ORDINANCE TO AMEND SECTION 15-48, PARKING PROHIBITED OR RESTRICTED IN SPECIFIC PLACES, OF THE YORK COUNTY CODE, TO ADD VICTORY INDUSTRIAL PARK TO THE LIST OF SPECIFIC AREAS WHERE THE PARKING OF COMMERCIAL, RECREATIONAL AND PASSENGER-CARRYING VEHICLES ON PUBLIC STREETS IS PROHIBITED, AND TO ESTABLISH NO PARKING RESTRICTIONS ON ADDITIONAL STREET SEGMENTS IN YORKTOWN

WHEREAS, the York County Board of Supervisors has determined that the parking of large vehicles along certain streets, other than for temporary periods to allow deliveries, may present safety hazards for other vehicles and for pedestrians and may contribute to premature failure of road surfaces designed to accommodate primarily passenger vehicles; and

WHEREAS, pursuant to Section 46.2-1222 of the Code of Virginia, the Board has adopted an ordinance that prohibits the parking of certain classifications of vehicles on certain secondary system highways in designated areas of the County; and

WHEREAS, pursuant to a request made by the property owners association of Victory Industrial Park, and the investigation of the streets and parking characteristics of that development, the Board has determined that it would be appropriate and desirable to add Victory Industrial Park to the list of areas subject to the special parking restrictions; and

WHEREAS, the Board has determined that certain additional street segments in the village of Yorktown should be restricted as to on-street parking in order to promote vehicular and pedestrian safety;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 21st day of June, 2005, that Section 15-48 of Chapter 15, Motor Vehicles and Traffic, York County Code, be and it is hereby amended as follows:

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**Sec. 15-48. Parking prohibited or restricted in specified places.**

- (a) *Secondary system highways.* No person shall park a vehicle in any of the following places within any part of the state secondary system of highways in the county:

- (1) On Comte de Grasse Street (a portion of State Route 1002) in Yorktown;
  - (2) On Read Street (State Route 1004) between Main and Water Streets in Yorktown;
  - (3) On Ballard Street (a portion of State Route 1001) ;
  - (4) On Buckner Street (State Route 1007) between Main and Water Streets in Yorktown;
  - (5) On Water Street (in part a portion of State Route 1002) in Yorktown between Comte de Grasse Street, on the east and its intersection with the Colonial National Historical Park access ramp opposite the Yorktown Victory Center on the west, excepting the south side of Water Street between Read Street and a point approximately 340 feet east of Ballard Street;
  - (6) On Mathews Street (Route 1001) between Route 17 and Water Street (Route 1002)
  - (6) On the Back Creek Park recreational access road (State Route 1291) from State Route 173 eastwardly approximately one thousand eight-hundred feet (1,800') to its terminus at a cul-de-sac;
  - (7) On the New Quarter Park recreational access road (State Route 1314) from State Route 1330 northwardly approximately one and two-tenths (1.2) miles to its terminus.
- (b) *Main Street between Ballard and Read Streets.* No person shall park a vehicle on any part of Main Street in Yorktown, between Ballard and Read Streets, between the hours of 8:00 a.m. and 6:00 p.m., for a period of time in excess of one (1) hour.
- (c) *Parking of certain classifications of vehicles in certain designated areas*
- (1) Statement of Intent: The purpose of the following regulations is to define certain classifications of vehicles and to identify those areas where it is necessary to prohibit the parking of such classified vehicles in order to enhance pedestrian and vehicular safety, protect and preserve the public investment in such streets that are designed primarily for residentially-related traffic, and to protect and preserve the character of residential areas. In addition, where applied in non-residential areas, such restrictions are intended to provide for enhanced vehicular safety and to protect and preserve the character of the subject industrial or office park or other commercial/industrial area.
  - (2) Classification of Vehicles: For the purposes of this subsection, the classification of vehicles shall be as follows:
    - a. Commercial Vehicle:
      1. Any vehicle with a gross vehicle weight of ten thousand (10,000) pounds or more, or a length of 21 feet or more, including trailers or other attachments;
      2. Any vehicle, regardless of size, used in the transportation of hazardous materials as defined in section 103 of the federal Hazardous Materials Transportation Act (49 C.F.R. Part 172, Subpart F);
      3. Any heavy construction equipment, whether located on the street or on a truck, trailer or semi-trailer;
      4. Any solid waste collection vehicle, tractor truck or tractor truck/semi-trailer or tractor/truck combination, dump truck, concrete mixer truck, or towing or recovery vehicle;

5. Any trailer, semi-trailer or other vehicle in which food or beverages are stored or sold
  - b. Passenger Carrying Vehicle
    1. Any vehicle designed to carry sixteen (16) or more passengers, including the driver.
    2. Any vehicle licensed by this Commonwealth for use as a common or contract carrier or as a limousine.
  - c. Recreational Vehicle
 

A device, whether or not self-propelled, designed or used for transporting persons or property for or in connection with recreation, as distinguished from mere transportation, having a gross vehicle weight of ten thousand (10,000) pounds or more, or a length of 21 feet or more, including trailers or other attachments, and including such things as motor homes, travel trailers, campers, boats and boat trailers.
- (3) Designation of Specific Vehicle Classifications and Areas Subject to Restriction
- No person shall park any commercial vehicle, passenger-carrying vehicle, or recreational vehicle (all as defined herein) on any road, highway or street within the state secondary system of highways in any of those areas or subdivisions in the County as described below. In the case of subdivisions, the areas governed by this subsection shall be those areas commonly known by the names listed below and designated on the plats of subdivision recorded in the clerk's office of the circuit court of the county. Such restrictions shall have no application to any privately owned street, or any street owned by a property owners association within the listed areas. In the event a street serves as the dividing line between a designated residential subdivision and an adjoining commercial zoning district, the parking restrictions shall apply only on the residentially-zoned side of the street.
- a. Skimino Farms subdivision, all sections.
  - b. Greensprings vicinity being further described as the area bounded by Bypass Road on the south, Waller Mill Road on the west, Carrs Hill Road on the north, and Route 132 on the east.
  - c. Penniman Road/Government Road/Hubbard Lane vicinity being further described as the area bounded by Government Road and Penniman Road on the south and southwest, the Williamsburg city line on the west and northwest, the Colonial Parkway on the north, and Interstate 64 on the northeast and southeast, including, but not limited to, all sections of the Queenswood, Charleston Heights, Springfield Terrace, Nelson Park, York Terrace, Magruder Woods, Bruton Glen, Penniman East, Penniman Woods, Queens Creek Estates, and Middletown Farms subdivisions.
  - d. Carver Gardens
  - e. Yorktown, being further described as the area bounded by the York River on the northeast, the United States Coast Guard Reserve Training Center on the east, Route 238 and the Colonial Parkway on the southwest, and Yorktown Creek on the west.
  - f. York Crossing.
  - g. Glen Laurel

- h. Yorkshire Park
- i. Heritage Hamlet
- j. Plantation Acres
- k. Bethany Terrace
- l. Grafton Woods
- m. Sommerville
- n. Villages of Kiln Creek
- o. Williamsburg Bluffs
- p. Breezy Point
- q. Woodlake Crossing
- r. Mill Crossing
- s. The Homestead
- t. Yorkshire Downs
- u. Coventry
- v. The Greenlands
- w. Meadowlake Farms (aka—Heatherlea)
- x. Wythe Creek Farms
- y. Lakeside Forest
- z. Wood Towne Quarters
- aa. Victory Industrial Park

(4) Procedures for Consideration and Establishment of Classifications and Area Designations:

- a. The determination of streets and areas to be subject to such parking restrictions shall be based on characteristics including, but not necessarily limited to:
  - 1. location within a residential zoning classification or within a designated business, office or industrial park or other commercial/industrial area with special character or features that could be adversely impacted by on-street parking of large vehicles.;
  - 2. density of development, with primary focus on residential subdivisions with a typical lot size of acre or less;
  - 3. predominant lot width and street frontage characteristics, with primary focus on subdivision settings where typical lot widths are 150 feet or less;
  - 4. location-specific safety issues including, but not limited to, considerations of traffic volumes, street surface width, sight distance, and use characteristics;

5. documentation or determination of inappropriate parking of classified vehicles or the potential for such parking to occur.
  - b. Subsequent to this preliminary review and consideration, the Board will determine whether an amendment to this ordinance designating additional streets and areas should be formally considered and, if so, it shall be advertised for public hearing by the Board in accordance with the advertisement and public notice requirements for County Code amendments, as set forth in the Code of Virginia. In addition to the standard legal advertisements, the Board's intention to consider such restrictions will be advertised on the County's government access cable channel and through such other media opportunities as the Board and County Administrator determine appropriate.
  - c. Concurrently with the advertisement of the proposed ordinance for public hearing, the Board will transmit a copy of the proposal to the Virginia Department of Transportation Residency Administrator. The County staff will coordinate with the Residency Administrator to ensure communication of any VDOT concerns or considerations to the Board for its review. Among other considerations, the Residency Administrator will be asked to review the potential for such restrictions to shift commercial vehicle parking to Primary routes or to other portions of Secondary routes where more serious traffic safety problems might be created.
  - d. The County Administrator shall ensure the fabrication and posting of all such signs as are necessary to inform the public of the restrictions that apply to the subject streets and the subsequent maintenance of such signs and the prompt repair, removal and/or replacement of any signs that are damaged or destroyed.
- (d) *Application.* The prohibitions and restrictions set forth in this section shall have no application when a vehicle is parked or stopped in compliance with the order of a law enforcement officer or a traffic control device, or during a permitted period of time in officially-designated parking areas, or in case of vehicular breakdown, or in an emergency which renders it necessary. Moreover, the prohibitions and restrictions contained in subsection (c) of this section shall have no application to any vehicle while such vehicle is in actual use for loading or unloading or while actually engaged in the provision of goods or services.
- (e) *Posting of signs.* The county administrator shall cause "No Parking" and "1-Hour Parking" signs to be posted in the subject areas. Such signs shall comply with all applicable standards and specifications as set forth in the Manual of Uniform Traffic Control Devices (MUTCD) and the specifications that the County intends to use shall be coordinated with and approved by the Resident Engineer prior to fabrication. The County shall secure such permits as may be necessary for its personnel to work within and install the signs in VDOT rights-of-way.
- (f) *Application of sections 15-43 through 15-45.* The provisions of sections 15-43, 15-44 and 15-45 of this Code shall apply in the enforcement of this section.
- (g) *Penalty for violation.* Any person who violates any provision of this section shall be guilty of a traffic infraction and punished as provided in section 15-2 of this Code.

On roll call the vote was:

Yea:	(5)	Zaremba, Noll, Bowman, Shepperd, Burgett
Nay:	(0)	

FINES FOR PRIVATE PROPERTY DAMAGE

Mr. Barnett gave a presentation on proposed Ordinance No. 05-15 to amend the York County Code to incorporate amendments to the Code of Virginia deleting the requirement that damage to private property must be less than \$1,000, and adding a mandatory minimum fine of \$500 for certain offenses involving damage to public or private property.

Mr. Bowman asked about deleting language concerning private property in section b(1).

Mr. Barnett verified the House legislation concerning property damage, stating it was inadvertently stricken from the ordinance. He recommended the language be added back into the ordinance.

Chairman Burgett called to order a public hearing on proposed Ordinance No. 05-15(R) that was duly advertised as required by law and is entitled:

AN ORDINANCE AMENDING YORK COUNTY CODE SECTION 16-41 TO INCORPORATE AMENDMENTS TO THE CODE OF VIRGINIA, DELETING THE REQUIREMENT THAT DAMAGE TO PRIVATE PROPERTY MUST BE LESS THAN \$1,000, AND ADDING A MANDATORY MINIMUM FINE OF \$500 FOR CERTAIN OFFENSES INVOLVING THE WILLFUL AND MALICIOUS DAMAGE TO OR DEFAACEMENT OF PUBLIC OR PRIVATE BUILDINGS OR OTHER PROPERTY

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mr. Zaremba then moved the adoption of proposed Ordinance No. 05-15(R) that reads:

AN ORDINANCE AMENDING YORK COUNTY CODE SECTION 16-41 TO INCORPORATE AMENDMENTS TO THE CODE OF VIRGINIA, DELETING THE REQUIREMENT THAT DAMAGE TO PRIVATE PROPERTY MUST BE LESS THAN \$1,000, AND ADDING A MANDATORY MINIMUM FINE OF \$500 FOR CERTAIN OFFENSES INVOLVING THE WILLFUL AND MALICIOUS DAMAGE TO OR DEFAACEMENT OF PUBLIC OR PRIVATE BUILDINGS OR OTHER PROPERTY

WHEREAS, York County Code § 16-41 ("Graffiti") is based in significant part upon Code of Virginia § 15.2-1812.2; and

WHEREAS, the 2005 General Assembly adopted House Bill 1877, codified as Chapter 614 of the 2005 Acts of the General Assembly, amending in certain particulars Code of Virginia § 15.2-1812.2.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this 21st day of June, 2005, that section 16-41, York County Code, be and it is hereby amended to read and provide as follows:

Sec. 16-41. Graffiti

- (a) *Definition.* "Graffiti" shall mean the unauthorized application by any means of any writing, painting, drawing, etching, scratching or marking of an inscription, word, mark, figure or design of any type on any public or private building or other real estate or personal property owned, operated or maintained by a governmental entity or agency or instrumentality thereof or by any private person, firm, or corporation.
- (b) *Graffiti prohibited; criminal penalty.*
  - (1) It shall be unlawful for any person to willfully or maliciously deface or damage by application of graffiti any public buildings, facilities or other property, or any

private buildings, facilities or other property. Any person convicted of a violation of this subsection shall be guilty of a Class 1 misdemeanor. The punishment for any such violation in which the defacement is (i) more than 20 feet off the ground, (ii) on a railroad or highway overpass, or (iii) committed for the benefit of, at the direction of, or in association with any criminal street gang, as that term is defined by Code of Virginia § 18.2-46.1, shall include a mandatory minimum fine of five hundred dollars (\$500.00).

- (2) Upon a finding of guilt in any case tried before the court without a jury, in the event the violation constitutes a first offense which results in property damage or loss, the court, without entering a judgment of guilt, upon motion of the defendant, may defer further proceedings and place the defendant on probation pending completion of a plan of community service work. If the defendant fails or refuses to complete the community service as ordered by the court, the court may make final disposition of the case and proceed as otherwise provided. If the community service work is completed as the court prescribes, the court may discharge the defendant and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying the ordinance in subsequent proceedings.
  - (3) Any community service ordered by the court shall, to the extent feasible, include the repair, restoration or replacement of any damage or defacement to property within the county and may include clean-up, beautification, landscaping or other appropriate community service within the county. The county administrator shall supervise the performance of any community service work required and to report thereon to the court imposing such requirement. At or before the time of sentencing under the ordinance, the court shall receive and consider any plan for making restitution or performing community service submitted by defendant. The court shall also receive and consider the recommendations of the court's supervisor of community services concerning the plan.
  - (4) Notwithstanding any other provision of law, no person convicted of a violation of this ordinance shall be placed on probation or have his sentence suspended unless such person shall make at least partial restitution for such property damage or is compelled to perform community services, or both in accordance with Code of Virginia § 19.2-305.1, as it may be amended from time to time.
- (c) *Parental liability for cost of graffiti.* In the event graffiti is applied to any public property by a minor who is living with either or both parents or a legal guardian, the county may institute an action and recover from the parents of the minor, or either of them, or from the legal guardian the costs for damages suffered by reason of the willful or malicious destruction of, or damage to, public property by the minor. The action by the county shall be subject to any limitation of the amount of recovery set forth in Code of Virginia § 8.01-43 or other applicable state law.
- (d) *Graffiti declared a nuisance.* The existence of graffiti within the county in violation of this section is expressly declared a public nuisance, and is subject to the removal and abatement procedures specified in this section.
- (e) *Removal of graffiti.*
- (1) The county administrator is authorized to undertake or contract for the removal or repair of the defacement of any public building, wall, fence or other structure by the application of graffiti.
  - (2) The county administrator is also authorized to undertake or contract for the removal or repair of the defacement by graffiti of any private building, wall, fence or other structure visible from any public right-of-way in accordance with the following procedures:

- a. Prior to such removal of graffiti from private property, the county administrator shall issue to the property owner, by certified mail, return receipt requested, sent to the last address listed for the owner in county property assessment records, a notice which states: the street address and legal description of the property; that the property has been determined by the county to constitute a graffiti nuisance; that the owner must take corrective action to abate the nuisance created by such graffiti within fifteen (15) days of the date of the owner's receipt of the notice or refusal of the owner to receive notice; and that if the graffiti is not removed within the 15-day period, the county will begin removal procedures, the cost of which shall be charged to the property owner, or may institute a legal action to require the property owner to remove or obscure the graffiti. Where the property owner fails to abate the nuisance within fifteen (15) days after receipt of the notice or refusal of the owner to receive notice, the county administrator is authorized to undertake efforts forthwith to remove or obscure the graffiti.
  - b. Before entering upon private property for the purpose of graffiti removal, the county shall attempt to obtain the consent of the property owner, occupant or other responsible party.
  - c. In the event no owner or occupant or person responsible for the graffiti can be found to whom to direct the notice provided for in this subsection, the county, after giving fifteen (15) days notice in a newspaper having general circulation in the county, may proceed to remove or obscure the graffiti and charge the property owner for costs therefor as provided in (g) below.
- (3) Where a structure defaced by graffiti is owned by a public entity other than the county, the removal of the graffiti by the county is authorized only after securing the consent of an authorized representative of the public entity having jurisdiction over the structure.
  - (4) In addition to the foregoing, the county administrator is authorized to institute appropriate legal action on behalf of the county, including but not limited to actions pursuant to Code of Virginia section 15.2-900, to compel the owner or owners of the subject property to abate or remove the graffiti at the owner's own cost.
- (f) *Emergency removal of graffiti.* If the county administrator determines that any graffiti is an immediate danger to public health, safety or welfare, then forty-eight (48) hours after the later of (1) mailing notice to the property owner or other responsible party, as provided above and (2) posting notice in a conspicuous place on the property, the county may remove or cause the graffiti to be removed. The county may bring an action against the property owner or other responsible party to recover the necessary costs reasonably required to remove or obscure the graffiti.
- (g) *Assessment of costs against property owner for removal of graffiti.*
- (1) If the county undertakes corrective action to remove graffiti from private property after complying with the notice provisions of subsection (e)(2) above, the total cost for such removal and related repairs shall be chargeable to and paid by the property owner, and may be collected as a special assessment against the respective lot or parcel of land to which it relates in the manner in which county taxes and levies are collected.
  - (2) Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local taxes and enforceable in the same manner as such liens.

- (h) Nothing herein shall be deemed a limitation on the rights of the county to seek and enforce the removal or obscuration of graffiti by any other means or remedies available at law or equity.
- (i) *Severability.* If any part, subsection, or sentence of this section is for any reason determined by a court of law to be unconstitutional or invalid, such decision shall not affect the remaining portions of this section.

This ordinance shall be effective as of July 1, 2005.

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Zaremba, Burgett  
 Nay: (0)

#### TRANSIENT OCCUPANCY TAX

Mr. Barnett gave a presentation on proposed Ordinance No. 05-16 to amend the York County Code relative to the transient occupancy tax to modify the definition of lodging to incorporate language added to the Code of Virginia.

Chairman Burgett called to order a public hearing on proposed Ordinance No. 05-16 that was duly advertised as required by law and is entitled:

AN ORDINANCE AMENDING YORK COUNTY CODE § 21-92,  
 RELATIVE TO THE TRANSIENT OCCUPANCY TAX TO MODIFY  
 THE DEFINITION OF LODGING TO INCORPORATE LANGUAGE  
 ADDED TO THE CODE OF VIRGINIA BY THE 2005 GENERAL  
 ASSEMBLY, SENATE BILL 973

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mr. Zaremba then moved the adoption of proposed Ordinance No. 05-16 that reads:

AN ORDINANCE AMENDING YORK COUNTY CODE § 21-92,  
 RELATIVE TO THE TRANSIENT OCCUPANCY TAX TO MODIFY  
 THE DEFINITION OF LODGING TO INCORPORATE LANGUAGE  
 ADDED TO THE CODE OF VIRGINIA BY THE 2005 GENERAL AS-  
 SEMBLY, SENATE BILL 973

WHEREAS, the 2005 General Assembly adopted Senate Bill 793, enacted as Chapter 20 of the 2005 Acts of the Virginia General Assembly, which adds a new § 58.1-3826 to the Code of Virginia clarifying that a room or space which may be the subject of the transient occupancy tax must be one which is suitable or intended for occupancy by transients for dwelling, lodging or sleeping purposes; and

WHEREAS, this Board deems it expedient to suitably modify the definition of "Lodging" in County code § 21-92 to incorporate language added to the Code of Virginia by the adoption of Senate Bill 793;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this 21st day of June, 2005, that section 21-92, York County Code, be and it is hereby amended to read and provide as follows, such amendment to become effective as of July 1, 2005:

#### **Sec. 21-92. Definitions.**

- (a) For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Commissioner.* Commissioner of the Revenue of the County of York, Virginia, or any duly authorized deputies or agents.

*Hotel.* Any public or private hotel, inn, apartment hotel, hostelry, tourist home or house, motel, rooming house, travel campground or tourist camp or other lodging place within the county offering lodging, and the owner and the operator thereof, who for compensation, furnishes lodging to any transient.

*Lodging.* Any space or room suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes, and furnished to any transient by a hotel as herein defined.

*Room rental.* The total charge made by any such hotel for lodging and/or space furnished any such transient. If the charge made by such hotel to such transient includes any charge for services or accommodations in addition to that of lodging and/or the use of space, then such portion of the total charge as represents only room and/or space rental shall be distinctly set out and billed to such transient by such hotel as a separate item.

*Transient.* Any person who, for any period of not more than thirty (30) consecutive days, either at his own expense or at the expense of another, obtains lodging in any hotel as hereinabove defined, for which lodging a charge is made.

*Treasurer.* The Treasurer of the County of York, Virginia, or any duly authorized deputies or agents.

On roll call the vote was:

Yea: (5) Bowman, Shepperd, Zaremba, Noll, Burgett  
Nay: (0)

#### INOPERATIVE MOTOR VEHICLES

Mr. Barnett gave a presentation on proposed Ordinance No. 05-17 to amend the York County Code relative to the keeping of inoperative motor vehicles on properties zoned residential or commercial.

Mr. Bowman pointed out that some of the provisions in the proposed ordinance allowed businesses on Route 17 to have inoperative vehicles when they can afford to screen those vehicles and improve the business sites. He stated he had a hard time with leaving that provision in.

Mr. Barnett pointed out that the language was statutory which is what the ordinance was based on. He suggested they include this concern in the 2006 Legislative Program.

Mr. Zaremba added that he had received a number calls from citizens whose neighbors had total disregard for their subdivision and adjacent property owners by having inoperative vehicles on their property, thereby causing Code Compliance to give warnings. He pointed out that after three violations the criminal aspect comes into play.

Chairman Burgett called to order a public hearing on proposed Ordinance No. 05-17 that was duly advertised as required by law and is entitled:

AN ORDINANCE AMENDING YORK COUNTY CODE § 15-49, RELATIVE TO THE KEEPING OF INOPERATIVE MOTOR VEHICLES, TRAILERS OR SEMITRAILERS ON PROPERTIES ZONED RESIDENTIAL OR COMMERCIAL, TO REQUIRE THAT ANY ADDITIONAL INOPERATIVE MOTOR VEHICLES KEPT ON PROPERTY FOR USE IN THE RESTORATION OR REPAIR OF ANOTHER INOPERATIVE MOTOR VEHICLE MUST BE SHIELDED OR SCREENED FROM VIEW, AND TO MAKE A VIOLATION OF THE ORDINANCE PUNISHABLE BY THE IMPOSITION OF A MONETARY CIVIL PENALTY

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance No. 05-17 that reads:

AN ORDINANCE AMENDING YORK COUNTY CODE § 15-49, RELATIVE TO THE KEEPING OF INOPERATIVE MOTOR VEHICLES, TRAILERS OR SEMITRAILERS ON PROPERTIES ZONED RESIDENTIAL OR COMMERCIAL, TO REQUIRE THAT ANY ADDITIONAL INOPERATIVE MOTOR VEHICLES KEPT ON PROPERTY FOR USE IN THE RESTORATION OR REPAIR OF ANOTHER INOPERATIVE MOTOR VEHICLE MUST BE SHIELDED OR SCREENED FROM VIEW, AND TO MAKE A VIOLATION OF THE ORDINANCE PUNISHABLE BY THE IMPOSITION OF A MONETARY CIVIL PENALTY.

WHEREAS, the 2005 General Assembly adopted Senate Bill 1313 (Chapter 775 of the 2005 Acts of the Virginia General Assembly) amending Code of Virginia § 15.2-904 relative to the authority of localities to regulate the keeping of certain inoperative vehicles on residential or commercial property, to specify that any additional inoperative motor vehicles kept upon such property to be used in the restoration or repair of another inoperative motor vehicle must be shielded or screened from view; and

WHEREAS, this Board desires to amend County code § 15-49 to be consistent with new language added to the statute by Senate Bill 1313;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this 21st day of June, 2005, that section 15-49, York County Code, be and it is hereby amended to read and provide as follows, such amendment to become effective as of July 1, 2005:

**Sec. 15-49. Keeping of inoperative motor vehicles, trailers or semitrailers on property zoned residential or commercial.**

- (a) It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial purposes pursuant to chapter 24.1, Zoning, of this Code any motor vehicle, trailer or semitrailer, as such are defined in section 46.2-100, Code of Virginia, which is inoperative. As used in this section, "shielded or screened from view" means not visible by someone standing at ground level from outside the property on which the subject vehicle is located.
- (b) It shall be unlawful for any person, firm or corporation on any property zoned for residential or commercial purposes pursuant to chapter 24.1, Zoning, of this Code to keep more than one (1) inoperative motor vehicle, even if shielded or screened from view by covers, unless they are kept within a fully enclosed building or structure. Notwithstanding the foregoing, however, if the owner of such vehicle shielded or screened from view but not within a fully enclosed building or structure, can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperative motor vehicle that is shielded or screened from view and being used for restoration or repair may remain on the property. Any person, firm or corporation operating in a commercial district a use permitted by category 12, Motor Vehicle/Transportation, of section 24.1-306 of this Code may keep more than one (1) inoperative motor vehicle outside a fully enclosed building or structure provided it is shielded or screened from view and otherwise conforms with the requirements of this Code.
- (c) As used in this section, an "inoperative motor vehicle" shall mean any motor vehicle which is not in operating condition, or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle, or on which there are displayed neither valid license plates nor a valid inspection decal.

- (d) The provisions of this section shall not apply to a licensed business which on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor, nor shall it apply to any motor vehicle for which the annual license tax required by section 15-31 has been paid or to any motor vehicle exempt from such license tax by virtue of subsections 15-35(a) through and including 15-35(o).
- (e) The owners of property zoned for residential or commercial purposes shall, by the effective date of the ordinance from which this section was derived, comply with the provisions of this section.
- (f) The county administrator may remove or cause to be removed any such inoperative motor vehicles, trailers or semitrailers whenever the owner of the premises, after reasonable notice, has failed to do so.
- (g) In the event the county administrator removes or causes to be removed any such inoperative motor vehicles, trailers or semitrailers, after having given such reasonable notice, the county may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.
- (h) The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the treasurer as taxes and levies are collected.
- (i) Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs has been made to the county.
- (j) A violation of this section shall be subject to a civil penalty, not to exceed fifty dollars (\$50.00) for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed two hundred dollars (\$200.00). Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of three thousand dollars (\$3,000.00) in a 12-month period. Notwithstanding the foregoing, a violation of this section shall constitute a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or for a similar violation, not arising from the same set of operative facts, within a 24-month period. The classifying of such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Bowman, Burgett  
Nay: (0)

#### LEASE AGREEMENT: YORKTOWN FREIGHT SHED

Mr. Barnett gave a presentation on proposed Resolution R05-120 to authorize the execution of a lease agreement for property occupied by the Yorktown Freight Shed. He provided background on the sale of the freight shed historic building tax credits to a private investor and gave an explanation of the limited partnership.

Chairman Burgett called to order a public hearing on Resolution R05-120 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR  
TO EXECUTE A GROUND LEASE AGREEMENT WITH YORKTOWN  
FREIGHT SHED, LP FOR CERTAIN PROPERTY LOCATED IN  
YORKTOWN, VIRGINIA, AND BEING A PORTION OF YORK

COUNTY TAX MAP PARCEL 18A-(8)-A CONSISTING OF THAT  
PORTION OF THE PROPERTY OCCUPIED BY THE YORKTOWN  
FREIGHT SHED BUILDING

There being no one present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R05-120 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR  
TO EXECUTE A GROUND LEASE AGREEMENT WITH YORKTOWN  
FREIGHT SHED, LP FOR CERTAIN PROPERTY LOCATED IN  
YORKTOWN, VIRGINIA, AND BEING A PORTION OF YORK  
COUNTY TAX MAP PARCEL 18A-(8)-A CONSISTING OF THAT  
PORTION OF THE PROPERTY OCCUPIED BY THE YORKTOWN  
FREIGHT SHED BUILDING

WHEREAS, by an Agreement of Lease and Sublease, the County leased and subleased to the Industrial Development Authority of York County, Virginia (now renamed as the Economic Development Authority of York County, Virginia), certain property located on the Yorktown waterfront, consisting in part of property identified therein as Tax Map Parcel 18A-(8)-A, such agreement reserving to the County the right to make a further lease of the subject property to Yorktown Freight Shed, LP of the building site occupied by the Yorktown Freight Shed, a building formerly known as the Yorktown post office building; and

WHEREAS, the relocation and renovation of the building now having been completed, the County desires to enter into a Ground Lease Agreement with Yorktown Freight Shed, LP to set out the terms and conditions whereby the building may remain upon and occupy the subject property now owned by the County, and therefore, following the holding of a public hearing pursuant to Code of Virginia § 15.2-1800, this Board has determined that it is in the public interest to enter into such a Ground Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21 day of June, 2005, that the County Administrator is authorized to execute on behalf of the County a Ground Lease Agreement, approved as to form by the County Attorney, leasing to Yorktown Freight Shed, LP that property currently occupied by the Freight Shed building located on the Yorktown waterfront, for a term of forty years and an annual rent of \$100.00, net of all costs, fees, interest, charges, expenses, reimbursements, and obligations of every kind which shall be borne by Yorktown Freight Shed, LP.

On roll call the vote was:

Yea: (5) Zarembo, Noll, Bowman, Shepperd, Burgett  
Nay: (0)

APPLICATION NO. UP-667-05, PROVIDENCE CLASSICAL SCHOOL

Mr. Tim Cross, Principal Planner, gave a presentation on Application No. UP-667-05 to amend a special use permit to increase the maximum enrollment for students attending classes in the Ascension of Our Lord Byzantine Catholic Church located at 114 Palace Lane. He explained that the Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R05-113.

Mr. Zarembo mentioned that most of the Planning Commission's discussion centered around the gravel road and the requirements to install curbing.

Discussion ensued concerning the road and curbing requirements.

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Mr. John Ryland, 97 Shellbank Drive, Williamsburg, thanked Mr. Cross and the Planning Division for its help in working with the school. He then offered to answer any of the Board's questions.

Chairman Burgett called to order a public hearing on Application No. UP-667-05 that was duly advertised as required by law. Proposed Resolution R05-113 is entitled:

A RESOLUTION TO AMEND THE CONDITIONS OF A PREVIOUSLY  
APPROVED SPECIAL USE PERMIT BY INCREASING THE MAXI-  
MUM ALLOWABLE ENROLLMENT FROM 111 TO 140 STUDENTS  
AT A PRIVATE SCHOOL LOCATED AT 116 PALACE LANE

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R05-113 that reads:

A RESOLUTION TO AMEND THE CONDITIONS OF A PREVIOUSLY  
APPROVED SPECIAL USE PERMIT BY INCREASING THE MAXI-  
MUM ALLOWABLE ENROLLMENT FROM 111 TO 140 STUDENTS  
AT A PRIVATE SCHOOL LOCATED AT 116 PALACE LANE

WHEREAS, on February 5, 2002, the York County Board of Supervisors approved Application No. UP-591-02 to authorize a Special Use Permit for the establishment of a private school on a 1.95-acre parcel of land located at 116 Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-11; and

WHEREAS, Providence Classical School has submitted Application No. UP-667-05, which requests to amend the conditions of the above-referenced Special Use Permit, which are set forth in Resolution No. R02-14(R), by increasing the maximum enrollment from 111 to 140 students; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of June, 2005 that Application No. UP-667-05 be, and it is approved to amend the conditions of approval for Application No. UP-591-02 set forth in Resolution No. R02-14(R) by increasing from 111 to 140 students the maximum allowable enrollment at a private school located on a 1.95-acre parcel at 116 Palace Lane (Route 690), further identified as Assessor's Parcel No.9-11, subject to the following conditions:

1. This approval shall authorize amendment of the conditions of approval for Application No. UP-591-02, set forth in Resolution No. R02-14(R), to increase the maximum allowable school enrollment from 111 to 140 students. Providence Classical School shall submit enrollment data in writing to the Planning Division no later than October 1 annually.
2. Providence Classical School shall be responsible for installing curbing, wheel stops, landscape timbers, a chain, or some other physical barrier to prevent access between the school's rear parking and the adjacent gravel driveway.
3. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit amendment shall be

recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Zaremba, Burgett  
Nay: (0)

APPLICATION NO. UP-668-05, SPECIALTY MOTORSPORTS & COLLECTIBLES

Mr. Cross gave a presentation on Application No. UP-668-05 to approve a use permit authorizing the establishment of a used car sales lot, without auto bodywork and painting, on a 1-acre parcel of land located at 8017 George Washington Memorial Highway at its intersection with Fort Eustis Boulevard. He explained that the Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of denial, and staff recommended denial of the application due to the inconsistencies with the Comprehensive Plan, the Route 17 Corridor Master Plan, and the recommendations of the Route 17 Revitalization Committee.

Chairman Burgett compared the proposed business to neighboring businesses at the intersection, and stated that the car lot would meet the standards set in place by the Route 17 Overlay District. He expressed confusion over requiring the subject property to have something special on it, when the other three businesses at that intersection were of common nature. He asked why would the applicant be made to exceed the landscape ordinance.

Mr. Cross explained they recommended heavier landscaping because the property fronted Route 17.

Chairman Burgett expressed concern about blocking the visibility of the business. He also expressed concern over the Planning Commission's inconsistencies in its recommendations with the Enterprise Ford Tractor building and this one.

Mr. Rick Lab, 29 Emmaus Road, Poquoson, explained that his business has grown and it was necessary to acquire a larger, more professional looking site. He stated he agreed to the Planning Commission's recommendations including the additional landscaping requirements. He stated he felt that closing the entrance on Route 17 was unreasonable, and he did not understand the many objections encountered with this proposal. He pointed out that car lots in communities are necessities, and he asked the Board for its consideration.

Mr. Bowman asked how the upgraded landscaping and closing of the entrance onto Route 17 would affect his business.

Mr. Lab commented that as long as the trees were spaced far enough apart and the landscaping was low to the ground, people would be able to see the cars. He stated he did not think it was feasible to close the entrance on Route 17 at this time. He suggested that a cut-through be made when the property was developed next door.

Mr. Shepperd inquired about the income and tax generated from the business.

Mr. Lab stated his sales were approximately \$1.5 million last year with whatever the taxes were on that. He stated he felt if he were in a larger location, his business would almost triple.

Chairman Burgett suggested the use permit be amended to state the applicant may use the entrance off Route 17 until such time the cut through is available.

Chairman Burgett then called to order a public hearing on Application UP-668-05 that was duly advertised as required by law. Proposed Resolution R05-114 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A USED CAR DEALERSHIP

WITHOUT AUTO BODY REPAIR AND PAINTING LOCATED AT 8017  
GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17)

Mr. Raymond Suttle, Jr., attorney for Triple Features Associates, stated opposition to the application, explaining that his client owned the property surrounding the parcel, and no one had mentioned the proposed easement to them. He stated the property was not of a size and configuration suitable for a used car lot, and he pointed out that it does not adhere to the County's Comprehensive Plan. He further stated the location was a gateway into the historic area, and his client hoped to save that parcel for something unique and special. He asked the Board to take a long-term approach in reviewing this application.

There being no one else present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Shepperd expressed concern over the statement that the proposal was inconsistent with the Comprehensive Plan and asked Mr. Cross to elaborate.

Mr. Cross explained that the proposal was inconsistent with the vision of a mixed-use village center encompassing the 11 acres surrounding the property.

Mr. Shepperd pointed out that the applicant was businessman with a good reputation, and he had agreed to the stipulations, including the extra requirements. He asked for an explanation of the inconsistencies as compared with other businesses in the area. He stated he felt there were a lot of generalities being made by the staff and by the neighbor who should have bought the property if he was really concerned about its use.

Mr. Cross admitted the proposed use was consistent with the General Business designation, but it was not consistent with the preferred vision spelled out in the Comprehensive Plan. He stated the Plan suggested integrated development of the entire quadrant encompassing the 11 acres.

Mr. Shepperd stated the parcel was classified as General Business, and the proposed business would fit with a Special Use Permit. He stated he did not want to overuse the concept of historical entrances and beautification to dictate what businesses could come in. He pointed out that if nothing is done, the County would end up with an abandoned gas station. He stated this was an opportunity for an established businessperson to grow and succeed, and asked the Board to support this business.

Discussion ensued concerning General Business use in the County.

Mr. Zaremba stated he felt the Planning Commission and the staff had done its work, as well as the Director of Economic Development, who indicated this was not the appropriate business for the corner of Route 105. He stated a committee had been formed by the Board of Supervisors to beautify and revitalize Route 17, and he did not think the citizens expected the Board to approve a used car lot at that intersection when it was consistently trying to improve Route 17. He stated he could not support this application.

Mrs. Noll stated that Mr. Zaremba had expressed her viewpoint as well, and she felt this proposal did not fit the vision of what Route 17 would someday be. She stated she did not believe a car lot was the highest and best use for the property, and she could not support the applicant's request.

Mr. Bowman stated he was on the Comprehensive Plan Steering Committee, and one of the things they did was to get citizen input on what they would like to see. He indicated he had received phone calls and emails from citizens who did not want to see car lots on Route 17. He stated this was a major corridor into the County that had been vacant for a long time. He then suggested that Mr. Suttle's client should have bought the property if he were really concerned. He stated he could not support this application.

Chairman Burgett indicated the property was an abandoned gas station, and the proposal would be a viable reuse under the Route 17 Revitalization Plan. He stated he did not understand how staff in the Economic Development Office could not support the expansion of a local

business. He pointed out that the applicant had a successful business with a very small lot, and he was willing to meet all the requirements being specified by the revitalization plan. He stated he felt this was the right choice for this property since it was an opportunity to turn a blighted property into something. He suggested that perhaps the Board should consider purchasing some of these blighted properties and grassing them over. He encouraged the Board's support on this application.

Discussion followed on the Comprehensive Plan vision for the subject property, and the Board members indicated general agreement to looking at the possibility of purchasing blighted properties along the Route 17 corridor.

Mr. Bowman then moved the adoption of proposed Resolution R05-114 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A USED CAR DEALERSHIP WITHOUT AUTO BODY REPAIR AND PAINTING LOCATED AT 8017 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17)

WHEREAS, Specialty Motorsports and Collectibles, has submitted Application No. UP-668-05, which requests a Special Use Permit, pursuant to Section 24.1-306 [Category 12, No. 5(a)] of the York County Zoning Ordinance, to authorize the establishment of a used car sales lot, without auto body work and painting on a 1-acre parcel of land located at 8017 George Washington Memorial Highway (Route 17) at its intersection with Fort Eustis Boulevard (Route 105) and further identified as Assessor's Parcel No. 24-68-1(GPIN Q08B-3974-3734); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends denial of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of June, 2005, that Application No. UP-668-05 be, and it is hereby, approved to authorize the establishment of a used car sales lot, without auto body work and painting on a 1-acre parcel of land located at 8017 George Washington Memorial Highway (Route 17) at its intersection with Fort Eustis Boulevard (Route 105) and further identified as Assessor's Parcel No. 24-68-1(GPIN Q08B-3974-3734) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a used car sales lot without auto body work and painting on a 1-acre parcel of land located at 8017 George Washington Memorial Highway (Route 17) at its intersection with Fort Eustis Boulevard (Route 105) and further identified as Assessor's Parcel No. 24-68-1(GPIN Q08B-3974-3734).
2. A site plan prepared in accordance with the provisions set forth in Article V of the Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any activities on the site. Said site plan shall be in substantial conformance with the plan titled "Specialty Motorsports & Collectibles Site Plan" prepared by Mickiewicz Robertson & Associates, Ltd. and dated April 18, 1986. The plan must delineate the car display area on the site plan with the required parking spaces, pursuant to Section 24.1-606 of the Zoning Ordinance.
3. The used car sales lot shall comply with the performance standards set forth in Sections 24.1-475, *Standards for all motor vehicle and transportation related uses* of the Zoning Ordinance.

4. No construction activity or parking lot modifications that would reduce the number of parking spaces below the minimum number required for the use, as set forth in Section 24.1-606 of the Zoning Ordinance, shall be permitted.
5. The existing entrance located along George Washington Memorial Highway (Route 17) shall be closed and curbing placed along the inferior side of the former entrance so as prevent the movement of traffic from the parcel onto George Washington Memorial Highway (Route 17). The existing driveway apron shall be removed and the area between the roadway shoulder and the on-site curbing shall be landscaped.
6. Pursuant to Chapter 23.2, Chesapeake Bay Preservation Areas, of the York County Code, a Natural Resources Inventory shall be submitted with the site plan. Development of the property shall comply with all applicable requirements of Section 24.1-376, *WMP-Watershed management and protection area overlay district*.
7. The existing building shall be renovated in accordance with the provisions set forth in Section Route 17 Corridor Overlay District. Specifically, the building façade shall be brick veneer façade and the canopy shall be reconstructed to have the appearance of a mansard style roof designed using materials compatible with the Patriot's Square shopping center.
8. The site shall be landscaped to comply with the landscape planting standards specified by Section 24.1-242 of the Zoning Ordinance. To ensure an attractive road frontage, the front landscape yards along Fort Eustis Boulevard (Route 105) shall be landscaped to achieve the Landscape Credit Unit (LCU) requirements for a 35-foot Greenbelt, as specified by Section 24.1-245, and the George Washington Memorial Highway (Route 17) frontage shall be required to achieve 50 LCU's per 100 feet of frontage. Side yard plantings shall meet minimum ratios for side yards as specified in Section 24.1-242(h) and shall consist of a minimum of 50% evergreen shrubs with remaining plantings to be a mix of evergreen and deciduous trees. These planting areas shall not be located within any vehicular access/egress easements.
9. Freestanding identification signage for the used car sales lot shall be limited to a single monument sign, pursuant to the requirements for Limited Business monument signs (40 square feet) in the Zoning Ordinance, Section 24.1-703. Fascia materials used on the sign shall match that of the proposed building façade. No signage shall be permitted on the canopy, pursuant to Section 24.1-475(d) of the Zoning Ordinance.
10. Freestanding and building lighting shall be full cut-off fixtures that are shielded and directed downward to prevent off-site illumination. Illumination levels shall not exceed 0.5 foot candle at any exterior property line. All lighting fixtures shall use full cut-off, shielded fixtures and shall be installed with flat lenses angled level to the ground. All lighting schemes and lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A lighting plan indicating manufacturer's specifications for all fixtures and illumination levels for the development site shall be submitted for review and approval by the Plan Approval Agent at time of application for site plan approval.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

On roll call the vote was:

Yea: (2) Shepperd, Burgett  
Nay: (3) Bowman, Zaremba, Noll

**CITIZENS COMMENT PERIOD**

Mr. Alan Barber, member of the York County Little League Board of Directors, appeared to let the Board know the Board of Directors would be making an investment with charitable funds to install the lighting at the ball field. He mentioned the four-foot fence that was erected around the property, and stated they felt they had satisfied the immediate neighbor next door. He then asked that the Board not put alternate condition number 9 in the approval of this project. He thanked the Board for its help over the past several years.

**COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett stated he would be out of the office the remainder of this week.

**COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. McReynolds reminded the Board that the only meeting in July would be its regularly scheduled meeting on July 19. He reported there was an accident involving the overhead power lines at the Waste Management Center resulting in the closure of the center for repairs. He stated there would be no delays in trash pickup.

Mr. Zaremba asked Mr. McReynolds to provide the Board with feedback on the Base Realignment and Closure (BRAC) Commission and the recommendation that the Naval Surface Warfare Center be relocated to Maryland.

Mr. McReynolds stated the County was working both privately and regionally through the Hampton Roads Planning District Commission to protect the County's interest and to minimize the impact of BRAC. He stated he would look into this particular relocation further and provide more information as it developed.

**MATTERS PRESENTED BY THE BOARD**

Mrs. Noll discussed the primary election day when a few precincts had no air conditioning. She thanked K-Mart for donating two fans to help with the situation. She mentioned that Senator Marty Williams spoke at the Hampton Roads Partnership meeting concerning transportation and the Six-Year Plan, stating he was considering the formation of an authority similar to the Chesapeake Bay Authority to add tolls to various roads and tunnels. She then thanked the Parks and Recreation Division for providing maps depicting the County's canoe and kayak trails, and for helping to bring this plan to fruition.

Mr. Zaremba discussed the replacement of the antiquated water system in the Queens Lake area and stated that 75 percent of the homeowners had responded to surveys concerning who should maintain the system. He stated he met with the Williamsburg Area Destination Marketing Committee, and the organization was on top of things with a task force made up of experts. He reported that Kristi Olsen was doing a great job, and she represented the County very well. He discussed tourism numbers, stating that advanced reservations are up over what they were last year at this time. He mentioned receiving phone calls concerning biannual tax assessments and citizens seeing a very significant tax increase. He stated he believes the Board should provide direction to the County Administrator and the staff with respect to budgeting in 2006-07.

Mr. Bowman recognized the long-term County employees in tonight's presentations. He thanked Tom Gallagher for providing him with the mosquito report and stated that some of the easements in District 3 had now been treated for mosquitoes. He announced that the July 4th celebration would be a big event, and he encouraged all to attend and look at Public Information's website for more information. He announced the franchise record set for opening sales by Ben and Jerry's during the grand opening of Riverwalk Landing. He mentioned the Sheriff's report specifying what people can do in the upcoming summer months to burglar-proof their homes while on vacation, and he reminded neighbors to be watchful of their neighborhoods. He noted the cofferdam pier had been damaged, and he asked for more information on that.

Mr. Shepperd discussed the Airport Commission meeting and stated last month was the best month ever for airport operations. He reported on the airport construction and new control tower and that passenger traffic is approaching the one million mark for this year. He noted that the airport would be losing a lot of traffic now that Air Tran service would be going out of Richmond. He elaborated on air travel throughout the country and parking at the airport along with plans to build a parking garage. He stated the Hampton Roads Planning District Commission (HRPDC), prior to the BRAC report, had established a fund to try and address the campaign for the bases, and it is getting very close to producing a plan. He also mentioned concerns about a third crossing. He then questioned Mr. McReynolds about the supremacists slated to meet on National Park Service property, announcing that the area would be swarming with law enforcement officials. He encouraged people to not come to Yorktown during that time and stated the Board did not support this gathering.

Chairman Burgett also spoke on the American Nazi Party's presence in Yorktown this coming weekend and stated people could still come to Yorktown, but he suggested they visit the Riverwalk instead of the battlefields. He stated he had attended the tenth annual Senior Citizens Prom at Tabb High School, and he announced that Great Wolf Lodge, which is booked through the end of the year, would be adding 100 rooms to its facility along with two new features to its water park. Mr. Burgett mentioned he had received many complimentary phone calls from citizens who have visited the Riverwalk area. He also recognized the Route 17 Revitalization Committee, stating he wanted to keep the plan implemented and move ahead. He then addressed the salvage yards and suggested the time was now to get them in compliance and get those areas cleaned up.

#### **UNFINISHED BUSINESS**

##### **APPLICATION NO. UP-656-05, YORK COUNTY LITTLE LEAGUE**

Mr. McReynolds explained that proposed Resolution R05-82(R-1) had been prepared to approve an amendment to Special Use Permit No. UP-417-91 and was tabled at the Board's May 17 meeting to work out concerns that an adjoining property owner had expressed. He stated everything was resolved except for fencing, and staff believed there would be very little pedestrian traffic, so they suggested to wait and see if there was a problem first and then they would work it out. He pointed out if the Board should want a perimeter fence, the language was as stated on the memo.

Mrs. Noll thanked Mr. Barber for his previous comments and proposal and mentioned the alternative condition number 9 that he asked to have removed. She stated she thought there was enough protection there and they did not need the alternative language.

Chairman Burgett stated he thought the part about fencing the entire area was overkill and too much. He suggested putting a fence across an abutting property that that would deter someone from walking through it.

Mr. McReynolds explained that staff felt pedestrian traffic would be coming to the site from the direction where the fence was erected. Staff has suggested waiting to see if a problem develops, and then work it out as necessary.

The Board reached a consensus to work out the fence problem as necessary.

Mrs. Noll then moved the adoption of proposed Resolution R05-82(R-1) which reads:

A RESOLUTION TO APPROVE AN AMENDMENT TO SPECIAL USE PERMIT NO. UP-417-91 TO AUTHORIZE THE ADDITION OF STADIUM-TYPE LIGHTING FIXTURES AND USE OF EXISTING BASEBALL FACILITIES AFTER DUSK ON PROPERTY LOCATED AT 110 COOK ROAD

WHEREAS, the York County Little League has submitted Application No. UP-656-05, which requests to amend the conditions of Special Use Permit No. UP-417-91, pursuant to

Section 24.1-115(d)(3) of the York County Zoning Ordinance, granted for installation of a second baseball field at 110 Cook Road (Route 704) and further identified as Assessor's Parcel No. 24-40D, to permit the installation of stadium-type lighting facilities and use of the existing baseball facility after dusk; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of June, 2005, that Application No. UP-656-05 be, and it hereby is, approved to authorize an amendment of Special Use Permit No. UP-417-91 to permit installation of stadium-type lighting and use of the existing Little League baseball facility after dusk on property located at 110 Cook Road (Route 704) and further identified as Assessor's Parcel No. 24-40D (GPIN No. Q09d-2927-2469); subject to the following conditions:

1. This approval shall authorize amendment of Special Use Permit No. UP-417-91 to permit installation of stadium-type lighting and use of the existing Little League baseball facility after dusk on property located at 110 Cook Road (Route 704) and further identified as Assessor's Parcel No. 24-40D.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, except as modified herein or as may be necessary to comply with site plan review requirements, shall be submitted to and approved by the County prior to the installation of any lighting facilities or site disturbance.
3. No facilities installed subsequent to the date of this resolution, with the exception of light posts, shall be located within twenty (20) feet of any side property line nor within twenty-five (25) feet of the rear property line. Parking facilities, including access aisles, shall not be located within 25 feet of any property line.
4. To afford screening for abutting residential uses, eight-foot high opaque fencing of a type and materials meeting the approval of the Zoning Administrator shall be installed bordering the entire southwest property line exclusive of the access drive area. Fencing shall be supplemented, in areas unencumbered by existing structures, with a row of evergreen trees having a planting size no less than 6 feet in height and spaced no less than 20 feet on center. Evergreen shrubs having a mature height of no less than four feet and spaced no less than 15 feet on center shall be installed parallel to each side of the existing main driveway leading to the ball fields. Side yards shall meet landscape requirements set forth in Section 24.1-242(h) of the Zoning Ordinance, except that all shrub credit requirements shall be met with evergreen plantings. Fencing and landscaping, as required above, shall be installed prior to the approval of the final electrical inspection by the County.
5. Use of the facility and lighting shall be limited to the hours between 8:00 A.M. and 10:00 P.M. and the facility shall be used only for Little League baseball practices or games. Use of the facility for practices or games shall be limited to the months of February through November.
6. Minimum parking requirements shall be 60 spaces per ball field.
7. Portable rest room facilities shall be provided in accordance with County Health Department regulations.

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8. The fields and surrounding grounds and parking areas shall be maintained and kept free of trash and debris by the applicant. The applicant shall be responsible for policing the site after each day's use to ensure that trash and debris is placed in proper receptacles. Trash receptacles shall be emptied as frequently as necessary to prevent spillage onto the adjacent grounds. Trash shall be removed from the site on a regular basis by the applicant or through a commercial trash collection service. If a dumpster is placed on the site it shall be enclosed and screened in accordance with Section 24.1-261(a) of the Zoning Ordinance. The Zoning Administrator shall have the authority to require the applicant to increase the frequency of trash removal from the site in the event receptacles or dumpsters are found to be overflowing.
9. When the facility is in use the applicant shall be responsible for monitoring access to and from the site by players and spectators to prevent and/or discourage trespassing on the abutting residential properties. Appropriate measures shall include posting of facility rules and regulations and strategically located barriers or fencing. This condition shall not be interpreted to require the applicant to initially install a complete perimeter fence, but the Zoning Administrator shall have the authority to require such fencing to be installed at some future time in the event that it is determined that other measures are not effectively protecting the abutting residential properties from trespass by facility users.
10. Stadium-type lighting shall be MUSCO Light Structure Green hooded fixtures or their equivalent. Stadium-type lighting shall be installed in accordance with illumination summaries prepared by Musco Lighting, dated April 4, 2005, and received by the Planning Division on April 5, 2005, and which is made a part of this Resolution by reference. All other lighting fixtures shall use full cut-off luminaires installed at 90 degrees to ground level to prevent off-site glare.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Bowman, Burgett  
Nay: (0)

#### **CONSENT CALENDAR**

Mr. Zaremba referred to Item No. 10 concerning site improvements at the Riverwalk, and stated he had talked to Mr. Gil Granger regarding the appearance of his property. He stated Mr. Granger had hired an architect to help spruce up his property, and he was willing to have discussions with staff concerning his property.

Mr. Zaremba then moved that the Consent Calendar be approved as submitted, Item Nos. 9, 10, and 11 respectively.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Shepperd, Burgett  
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

#### **Item No. 9. APPROVAL OF MINUTES**

The minutes of the following meetings of the York County Board of Supervisors were approved:

May 17, 2005, Regular Meeting

June 7, 2005, Regular Meeting

Item No. 10. PURCHASE AUTHORIZATION: Resolution R05-117.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS FOR THE READ STREET SITE IMPROVEMENTS PROJECT, THE YORKTOWN RIVERWALK EXTENSION AND ARCHER COTTAGE PARKING LOT PROJECT, AND A FIVE-YEAR CONTRACT FOR GROUNDS MAINTENANCE ALONG THE "BEAUTIFICATION CORRIDOR" OF ROUTE 17 AND ROUTE 171

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of June, 2005, that funding totaling \$1,730,177 be, and is hereby, appropriated in Fund 78 - Yorktown Capital Improvements Fund in FY2006 for the Riverwalk Extension and Archer Cottage Parking Lot and the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	<u>AMOUNT</u>
Read Street Site Improvement Project	\$ 88,900
Yorktown Riverwalk Extension and Archer Cottage Parking Lot	\$1,730,177
Grounds Maintenance for Landscape Enhancements (5 years)	471,754

Item No. 11. REFUND OF TAXES: Resolution R05-118.

A RESOLUTION TO AUTHORIZE A TAX REFUND TO ANIMAL MEDICAL CENTER

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

WHEREAS, Animal Medical Center has made a proper request for a tax refund for 2005 prorated Business License Tax due to the sale of its business on May 18, 2005; and

WHEREAS, the Request for Tax Refund has been approved and recommended by the Commissioner of the Revenue, the Treasurer, and the County Attorney.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of June, 2005, that the Treasurer is authorized to refund to Animal Medical Center business license tax in the amount of \$3,059.37, plus interest in the amount of \$76.48, for a total refund of \$3,135.85.

**CLOSED MEETING.** At 10:11 p.m. Mr. Zarembo moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (5) Bowman, Shepperd, Zarembo, Noll, Burgett  
Nay: (0)

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Meeting Reconvened. At 10:28 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREE-  
DOM OF INFORMATION ACT REGARDING MEETING IN CLOSED  
MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of June, 2005, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Bowman, Burgett  
Nay: (0)

APPOINTMENT TO THE PENINSULA ALCOHOL SAFETY ACTION PROGRAM POLICY BOARD

Mr. Bowman moved the adoption of proposed Resolution R05-105 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE  
TO THE PENINSULA ALCOHOL SAFETY ACTION PROGRAM POL-  
ICY BOARD

BE IT RESOLVED by the York County Board of Supervisors this the 21st day of June, 2005, that Russell McHatton be appointed as York County's representative on the Peninsula Alcohol Safety Action Program Policy Board for a term of three years, such term to begin July 1, 2005, and expire June 30, 2008.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Shepperd, Burgett  
Nay: (0)

APPOINTMENT TO THE THOMAS NELSON COMMUNITY COLLEGE BOARD

Mrs. Noll moved the adoption of proposed Resolution R05-106 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE  
TO THE THOMAS NELSON COMMUNITY COLLEGE BOARD

WHEREAS, the term of William C. Monroe as York County's representative to the Thomas Nelson Community College Board expires on June 30, 2005; and

WHEREAS, Mr. Monroe has served two complete four-year terms and is ineligible for reappointment according to State Board policy;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 7th day of June, 2005, that the following individual be, and hereby is, appointed to serve as the York County representative to the Thomas Nelson Community College Board for a term of four years, such term to begin July 1, 2005, and expire June 30, 2009:

Joe Shipes

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Zaremba, Burgett  
Nay: (0)

APPOINTMENT TO THE YORK COUNTY ECONOMIC DEVELOPMENT AUTHORITY

Mr. Zaremba moved the adoption of proposed Resolution R05-121 that reads:

A RESOLUTION TO APPOINT A MEMBERS TO THE YORK COUNTY  
ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, on June 30, 2005, the term of L. Ronald Miller on the York County Economic Development Authority will expire; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of June, 2005, that L. Ronald Miller be, and he is hereby, appointed to the York County Economic Development Authority for a term of four years, such term to begin July 1, 2005, and expire June 30, 2009.

On roll call the vote was:

Yea: (5) Bowman, Shepperd, Zaremba, Noll, Burgett  
Nay: (0)

APPOINTMENT TO THE WETLANDS BOARD/CHESAPEAKE BAY BOARD

Mr. Bowman moved the adoption of proposed Resolution R05-109 that reads:

A RESOLUTION TO REAPPOINT A MEMBER TO THE YORK  
COUNTY WETLANDS BOARD

WHEREAS, the term of Bobby C. James on the York County Wetlands Board expires on June 30, 2005; and

WHEREAS, Bobby C. James has indicated he wishes to be reappointed to the York County Wetlands Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of June, 2005, that Bobby C. James be, and he is hereby, reappointed to the York County Wetlands Board for a term of five years, such term to begin on July 1, 2005, and expire on June 30, 2010.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Bowman, Burgett  
Nay: (0)

APPOINTMENT TO THE HAMPTON ROADS PLANNING DISTRICT COMMISSION

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Mr. Zaremba moved the adoption of proposed Resolution R05-122 that reads:

A RESOLUTION TO APPOINT A MEMBER OF THE YORK COUNTY  
BOARD OF SUPERVISORS TO THE HAMPTON ROADS PLANNING  
DISTRICT COMMISSION

BE IT RESOLVED by the York County Board of Supervisors this the 21st day of June, 2005, that Thomas G. Shepperd, Jr. be, and he is hereby, appointed as York County's elected official representative to the Hampton Roads Planning District Commission for a two-year term to begin July 1, 2005, and expire June 30, 2007.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Shepperd, Burgett  
Nay: (0)

Meeting Adjourned. At 10:36 p.m. Chairman Burgett moved that the meeting be adjourned sine die.

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James O. McReynolds, Clerk  
York County Board of Supervisors

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James S. Burgett, Chairman  
York County Board of Supervisors